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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,721	10/04/2000	Glenn Reid	004860.P2472	7346

7590 07/28/2005  
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EXAMINER

HUYNH, SON P

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/679,721

Applicant(s)

REID, GLENN

Examiner

Son P. Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 3/17/2005 have been fully considered but they are not persuasive.

Applicant argues, "Nothing in Abe discloses that the selected clip discarded from the copied information is entirely removed from the record" (page 9, last paragraph).

In response, the examiner respectfully disagrees. Claims 1, 17, 22, and 28 recites, "deleting the portion from the storage in response to the user deletion command." Abe discloses the host computer 15 deletes the video clip and the corresponding audio clip from external storage apparatus (22) based on information designated using the mouse 12 and the keyboard 11 subsequently (col. 13, lines 1-4; col. 17, lines 15-40). Thus, the claimed feature of "deleting the portion from the storage in response to the user deletion command" is broadly met by deleting video/audio clips from the external memory apparatus in response to delete key of the keyboard 11 pressed by user.

In response to applicant's argument that there is no motivation to combine Abe and Chao (page 11, paragraph 1), the examiner respectfully disagrees. Abe discloses a system that receives video/audio data from video/audio data source. An operator of the system uses input device such as keyboard to command the system to edit video/audio

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clips stored in the memory. The system comprises a processor for controlling and processing the editing processes, a monitor for displaying the video clips to the operator and speaker for output audio data (Figures 2-3). The System also allows operator to delete/change the audio/video data that is stored in the memory (col. 13, lines 1-4; col. 16, line 30-col. 17, line 40).

Chao also discloses a system that receives video/audio data from video/audio data source. An operator of the system uses input device such as keyboard to command the system to edit video/audio clips stored in the memory. The system comprises a processor for controlling and processing the editing processes, a monitor for displaying the video clips to the operator and speaker for output audio data (Figures 1-3, col. 3, lines 35-47). The System also allows operator to delete/change the audio/video data that is stored in the memory (col. 4, lines 10-34). Chao additionally discloses transferring data files in timeline (col. 4, lines 49-67) and incorporating a slicing operation wherein a clip is divided into two separate clips (col. 5, line 64-col. 6, line 53 and Figs. 4A-4B). Editing a video clip to produce two separate clips inherently discloses a first new reference corresponding to information prior to the slicing point and a second new reference corresponding to information after the extracted reference data to allow for editing of the clips separately. The slicing operation taught by Chao provides the benefit of allowing a clip to be separated for other video clip data to be inserted between the sliced portions (see col. 6, lines 50-53). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the editing process of Abe to use the teaching as taught by Chao, for the benefit

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of allowing a clip to be separated for other video clip data to be inserted between the sliced portions in a time based stream editing system, and furthermore, allowing the user to identify references prior and after the reference is extracted so that the user can select desired portion of data.

In response to applicant's argument that there is no motivation to combine the Abe and Garmon (page 12, line 1), the examiner respectfully disagrees. Abe discloses a system comprises a processor for processing data, a video display terminal for displaying video data and speaker for outputting audio data. The user uses input device such as keyboard to input command to operate the system, a memory for storing data (figures 2-3). Abe further discloses deleting the data in response to user command received from the keyboard (col. 13, lines 1-4, col. 17, lines 1-10).

Garmon also system comprises a processor for processing data, a video display terminal for displaying video data and speaker for outputting audio data. The user uses input device such as keyboard to input command to operate the system, a memory for storing data (figures 1-4, col. 3, lines 10-67). Abe further discloses deleting the data in response to user command received from the keyboard (col. 7, lines 30-67). Garmon additionally discloses a recycle bin for depositing the extracted reference data prior to deletion (figure 4, col. 7, lines 30-40). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Abe's system with the teaching as taught by Chao for the typical and well-known benefit of enabling a user to restore the data previously selected to be deleted (col. 7, lines 30-38).

Applicant further argues, Sacilotto does not “teach or suggest that the reference data contains processing instructions” (page 14, paragraph 2, lines 13-14).

In response, the examiner respectfully disagrees. Sacilotto discloses the composition is made up of source components, or clips, representing a section of concrete media such as video or audio data. The clip includes an identification of the source material from which the clip is originated, as well as a range of material within the source material (col. 2, lines 56-67), the composition comprises composition ID, reference count, etc. (col. 4, lines 13-40) and the system uses the reference data such as reference count, composition ID, etc. to process the multimedia data (col. 4, lines 13-40; col. 7, lines 1-20; col. 8, line 1-col. 9, line 21). Thus, the claimed feature of “reference data contains processing instructions” is broadly met by composition data contains identification of the source material from which the clip is originated, a range of material within the source material, reference count, or data structure used for representing the composition and multimedia data.

In response to applicant's argument that there is no motivation to combine Abe and Sacilotto (page 15, line 3), the examiner respectfully disagrees. Abe discloses a system that received video and audio data, where the video and audio data can be edited; a storage for storing the video/audio data(Figures 2-3). The data is determined to be deleted from the storage (col. 13, lines 1-4; col. 16, line 30-col. 17, line 40).

Sacilotto also discloses a system that received video from video source such as tape, discs, where the video and audio data (multimedia data) can be edited (col. 3, line 35-col. 4, line 5); a storage for storing multimedia data (col. 4, lines 6-12). The data is

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determined to be deleted from the storage (col. 6, lines 35-39). Sacilotto additionally discloses determining whether a selected clip/particular segment (i.e., portion of time based stream of information) is represented by more than one reference data (reference count for each clip, indicating whether clip is "in use") and deleting the portion from a storage if the portion is not represented by more than one reference data (i.e., the reference count for the clip is zero/least reference count, deletion of clip when not referenced, i.e., reference count is zero/least reference count and storage device is greater than 50% full, col. 8, lines 25-60; col. 9, lines 1-21) for the benefit of enhancing audio/video editing operations by preventing data currently in use in a multimedia presentation from being deleted.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the editing method of Abe to incorporate determining whether the portion is represented by more than one reference data corresponding to the time based stream of information and deleting the portion from storage if the portion is not represented by more than one reference data, as taught by Sacilotto, for the benefit of enhancing audio/video editing operations by preventing data currently is use in a multimedia presentation from being deleted in a storage management method and furthermore, to maximize the use of data in the storage.

For the reason given above, rejections on claims 1-34 are analyzed as discussed below.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-3, 17-20, 22-24, and 28-30** are rejected under 35 U.S.C. 102(e) as being anticipated by Abe, U.S. Patent No. 6,714,216.

Regarding **claims 1, 22 and 28**, Abe discloses a method, a corresponding processing system, and a corresponding computer readable medium for destructively editing a time based stream of information in a processing system (Fig. 12), comprising:

- a) storing the time based stream of information (video clip and corresponding audio clip) in storage (Fig. 2, External Storage Apparatus 22) (encoding and storage of video data **D1**, col. 5, line 55 – col. 6, line 26; encoding corresponding audio data **D2**, col. 6, lines 47-57; see col. 13, line 38 – col. 16, line 29 describing production of video clip and corresponding audio clip from stored video data **D1** and audio data **D2**);
- b) selecting a portion of the time based stream of information (user selection of in-point and out-point of clip, col. 16, line 30 – col. 17, line 12);



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- c) receiving a user deletion command (entry of deletion mode, col. 17, lines 13-40); and
- d) deleting the portion from the storage in response to the user deletion command (col. 17, lines 18-40, whereby delete action is confirmed and External Storage Apparatus **22** is controlled to delete the designated portion of video clip and corresponding audio clip).

As for **claims 2, 23, and 29**, Abe discloses providing reference data (time code data) corresponding to the stored time based stream of information and wherein the selecting is by extracting the reference data from at least a portion of the reference (col. 17, lines 18-40, wherein the time code data corresponding to the portion of the clip selected by the user is deleted).

As for **claims 3, 24 and 30**, Abe discloses the reference forms at least one new reference with reference data to the remaining time based stream of information (col. 17, lines 18-40, wherein time code data (reference data) is inherently rewritten as a result of a selected portion of the clip being deleted (e.g., if a beginning portion of the clip is deleted, then the portion of the clip immediately following the portion deleted would necessarily be indicated as the beginning point of the clip).

Regarding **claim 17**, Abe discloses a time based stream of information processing system (Fig. 2) comprising:

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- a) a capture port (Fig. 2, A/D **19** and VRAM **20**) for acquiring time based stream of information (encoding and storage of video data **D1**, col. 5, line 55 – col. 6, line 26; encoding corresponding audio data **D2**, col. 6, lines 47-57; see col. 13, line 38 – col. 16, line 29 describing production of video clip and corresponding audio clip from stored video data **D1** and audio data **D2**);
- b) a storage (Fig. 2, External Storage Apparatus **22**) for storing the time based stream of information (col. 6, lines 20-26 and lines 52-57);
- c) a display device (Fig. 2, Monitor **26**, col. 7, lines 37-46); and
- d) a processor (Host Computer **15** of Fig. 2, which inherently discloses a CPU) for selecting a portion of the time based stream of information and deleting the portion from storage in response to a user deletion command (col. 17, lines 10-40).

As for **claim 18**, Abe discloses the display device includes a deletion control (Deletion process presented in video browser **25** and displayed on Monitor **26**, col. 17, lines 10-40).

As for **claim 19**, Abe discloses the storage further includes at least one reference data (time code data) corresponding to the time based stream of information and the processor is further for deleting the reference data reference (col. 17, lines 18-40,

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wherein the time code data corresponding to the portion of the clip selected by the user is deleted).

As for **claim 20**, Abe discloses the processor is further for forming at least one new reference with reference data to the remaining time based stream of information after deleting the data (col. 17, lines 18-40, wherein time code data (reference data) is inherently rewritten as a result of a selected portion of the clip being deleted (e.g., if a beginning portion of the clip is deleted, then the portion of the clip immediately following the portion deleted would necessarily be indicated as the beginning point of the clip).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 4, 25, and 31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Abe, U.S. Patent No. 6,714,216 in view of Chao et al. (Chao), U.S. Patent No. 5,732,184.

As for **claims 4, 25, and 31**, although Abe discloses selecting a portion of a clip (i.e., time based stream of information) designated by a mark-in point and a mark-out point (e.g., to select a portion of the clip between the beginning and end of the clip) and deleting the selected portion (see discussion above relative to claims 1, 22, and 28), Abe fails to specifically disclose the reference splits into a first new reference corresponding to the information prior to the extracted data and a second new reference corresponding to the information after the extracted reference data (e.g., Abe does not specifically disclose that two separate clips result from the editing operation).

However, Chao, in an analogous art, teaches editing video clips incorporating a slicing operation wherein a clip is divided into two separate clips (col. 5, line 64 – col. 6, line 53 and Figs. **4A and 4B**). Editing a video clip to produce two separate clips inherently discloses a first new reference corresponding to information prior to the slicing point and a second new reference corresponding to information after the extracted reference data to allow for editing of the clips separately. The slicing operation taught by Chao provides the benefit of allowing a clip to be separated for other video clip data to be inserted between the sliced portions (see col. 6, lines 50-53).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the editing process of Abe to incorporate the reference splits into a first new reference corresponding to the information prior to the extracted reference data and a second new reference corresponding to the information after the extracted reference data, as taught by Chao, for the benefit of allowing a clip to

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be separated for other video clip data to be inserted between the sliced portions in a time based stream editing system.

6. **Claims 5-6, 21, 26 and 32-33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Abe, U.S. Patent No. 6,714,216 in view of Gamon, U.S. Patent No. 6,345,318.

As for **claims 5 and 32**, the disclosure of Abe is relied upon as discussed above relative to claims 2 and 29. Abe fails to disclose depositing the extracted reference data in a trash depository prior to deletion, as claimed.

However, Gamon, in an analogous art, teaches a trash depository (e.g., Recycle Bin **415** of Fig. 4) wherein objects selected for deletion are stored prior to permanently deleting the data from storage, wherein further, the deleting action may be cancelled (i.e., the object restored) if the user subsequently decides the object selected for deletion is needed or the user may permanently delete the object by emptying the recycle bin (col. 7, lines 13-38). The implementation of a trash depository function is notoriously well-known in operating systems and application software that provides the typical and well-known benefit of enabling a user to restore data previously selected to be deleted (i.e., to reverse a deletion action).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the deleting step of Abe to incorporate including depositing corresponding reference data in a trash depository prior to deleting the

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information, as taught by Gamon, for the typical and well-known benefit of enabling a user to restore data previously selected to be deleted.

As for **claims 6, 26 and 33**, the disclosure of Abe is relied upon as discussed above relative to claims 1, 22 and 28. Although Abe discloses controlling a storage apparatus to delete a selected clip (see above), Abe fails to specifically disclose the deleting portion is by permanently eliminating the information from storage, as claimed.

However, Gamon, in an analogous art, teaches a trash depository (e.g., Recycle Bin **415** of Fig. 4) wherein objects selected for deletion are stored prior to permanently deleting the data from storage, wherein further, the deleting action may be cancelled (i.e., the object restored) if the user subsequently decides the object selected for deletion is needed or the user may permanently delete the object by emptying the recycle bin (col. 7, lines 13-38). The implementation of a trash depository function is notoriously well-known in operating systems and application software that provides the typical and well-known benefit of enabling a user to restore data previously selected to be deleted (i.e., to reverse a deletion action).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the deleting step of Abe to incorporate the deleting portion is by permanently eliminating the information from storage, as taught by Gamon, for the typical and well-known benefit of enabling a user to restore data previously selected to be deleted.

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As for **claim 21**, the disclosure of Abe is relied upon as discussed above relative to claim 17. Abe fails to disclose the storage further includes a trash depository for temporarily storing the reference prior to deleting the portion, as claimed.

However, Gamon, in an analogous art, teaches a trash depository (e.g., Recycle Bin 415 of Fig. 4) wherein objects selected for deletion are stored prior to permanently deleting the data from storage, wherein further, the deleting action may be cancelled (i.e., the object restored) if the user subsequently decides the object selected for deletion is needed or the user may permanently delete the object by emptying the recycle bin (col. 7, lines 13-38). The implementation of a trash depository function is notoriously well-known in operating systems and application software that provides the typical and well-known benefit of enabling a user to restore data previously selected to be deleted (i.e., to reverse a deletion action).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the deleting step of Abe to incorporate a trash depository for temporarily storing the reference prior to deleting the portion, as taught by Gamon, for the typical and well-known benefit of enabling a user to restore data previously selected to be deleted.

7. **Claims 7, 27, and 34** are rejected under 35 U.S.C. 103(a) as being unpatentable over Abe, U.S. Patent No. 6,714,216.

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As for **claims 7, 27, and 34**, Official Notice is taken that both the concept and advantages of defining storage space hold data which has been deleted as available for use are well-known and expected in the art. Computer operating systems typically incorporate file allocation operations to manage the utilization of storage devices, such as hard disk drives. Thus, when a file, or portion of a file or other data object (e.g., portion of an audio or video clip), is deleted by a user, the storage space occupied by the deleted data is allocated for reuse by the operating system. Allocating storage space for reuse is necessary in computer systems in order to allow the finite storage capacity to be utilized for storage of new data after existing data is deleted.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the deleting of Abe to incorporate defining storage space holding at least a portion of the information as available for reuse for the benefit of allowing the finite storage capacity to be utilized for storage of new data after existing data is deleted.

8. **Claims 8, 11, 13 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Abe, U.S. Patent No. 6,714,216 in view of Sacilotto, Jr. et al. (Sacilotto), U.S. Patent No. 6,763,523.

Regarding **claim 8**, Abe discloses a method for managing storage in a processing system (Fig. 12), comprising:



a) storing a time based stream of information (video clip and corresponding audio clip) in storage (Fig. 2, External Storage Apparatus 22) (encoding and storage of video data **D1**, col. 5, line 55 – col. 6, line 26; encoding corresponding audio data **D2**, col. 6, lines 47-57; see col. 13, line 38 – col. 16, line 29 describing production of video clip and corresponding audio clip from stored video data **D1** and audio data **D2**);

b) selecting at least a portion of the time based stream of information in response to a user selection command (user selection of in-point and out-point of clip, col. 16, line 30 – col. 17, line 12);

c) deleting the portion from the storage (col. 17, lines 18-40, whereby delete action is confirmed and External Storage Apparatus 22 is controlled to delete the designated portion of video clip and corresponding audio clip).

Abe fails to disclose the step of determining whether the portion is represented by more than one reference data containing processing information corresponding to the time based stream of information and deleting the portion from storage if the portion is not represented by more than one reference data, as claimed.

However, Sacilotto, in an analogous art, teaches determining whether a selected clip (i.e., portion of time based stream of information) is represented by more than one reference data containing processing information (reference count for each clip, indicating whether clip is “in use”, ID, etc.) and deleting the portion from a storage if the portion is not represented by more than one reference data (i.e., the reference count for the clip is zero/least reference count, deletion of clip when not referenced, i.e., reference count is zero/least references count and storage device is greater than 50%

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full, col. 8, lines 25-60, col. 9, lines 1-25) for the benefit of enhancing audio/video editing operations by preventing data currently in use in a multimedia presentation from being deleted.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the editing method of Abe to incorporate determining whether the portion is represented by more than one reference data corresponding to the time based stream of information and deleting the portion from storage if the portion is not represented by more than one reference data, as taught by Sacilotto, for the benefit of enhancing audio/video editing operations by preventing data currently is use in a multimedia presentation from being deleted in a storage management method, and furthermore, to maximize the use of stored data.

The limitation of **claim 11** is encompassed by the teachings of Abe in view of Sacilotto, as discussed above relative to claim 8. Specifically, Abe discloses the selecting is by extracting the reference data from at least a portion of the reference (col. 17, lines 18-40, wherein the time code data corresponding to the portion of the clip selected by the user is deleted).

The limitation of **claim 13** is encompassed by the teachings of Abe in view of Sacilotto, as discussed above relative to claim 11. Specifically, Abe discloses the reference forms at least one new reference with reference data to the remaining time based stream of information (col. 17, lines 18-40, wherein time code data (reference data) is inherently

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rewritten as a result of a selected portion of the clip being deleted (e.g., if a beginning portion of the clip is deleted, then the portion of the clip immediately following the portion deleted would necessarily be indicated as the beginning point of the clip).

As for **claim 16**, Official Notice is taken that both the concept and advantages of defining storage space hold data which has been deleted as available for use are well-known and expected in the art. Computer operating systems typically incorporate file allocation operations to manage the utilization of storage devices, such as hard disk drives. Thus, when a file, or portion of a file or other data object (e.g., portion of an audio or video clip), is deleted by a user, the storage space occupied by the deleted data is allocated for reuse by the operating system. Allocating storage space for reuse is necessary in computer systems in order to allow the finite storage capacity to be utilized for storage of new data after existing data is deleted.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the deleting of Abe in view of Sacilotto to incorporate defining storage space holding at least a portion of the information as available for reuse for the benefit of allowing the finite storage capacity to be utilized for storage of new data after existing data is deleted.

9. **Claims 9, 10, 12 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Abe, U.S. Patent No. 6,714,216 in view of Sacilotto, Jr. et al.

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(Sacilotto), U.S. Patent No. 6,763,523 as applied to claim 8, 11 above, further in view of Gamon, U.S. Patent No. 6,345,318.

As for **claims 9, 10 and 15**, the teachings of Abe in view of Sacilotto are relied upon as discussed above relative to claim 8. Abe in view of Sacilotto fails to disclose depositing corresponding reference data in a trash depository prior to deleting the information, wherein the deleting is further if a cancel command is not received, and wherein the deleting is by permanently eliminating the information from storage, as claimed.

However, Gamon, in an analogous art, teaches a trash depository (e.g., Recycle Bin **415** of Fig. **4**) wherein objects selected for deletion are stored prior to permanently deleting the data from storage, wherein further, the deleting action may be cancelled (i.e., the object restored) if the user subsequently decides the object selected for deletion is needed or the user may permanently delete the object by emptying the recycle bin (col. 7, lines 13-38). The implementation of a trash depository function is notoriously well-known in operating systems and application software that provides the typical and well-known benefit of enabling a user to restore data previously selected to be deleted (i.e., to reverse a deletion action).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the deleting step of Abe in view of Sacilotto to incorporate including depositing corresponding reference data in a trash depository prior to deleting the information, wherein the deleting is further if a cancel command is not received, and wherein the deleting is by permanently eliminating the information from

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storage, as taught by Gamon, for the typical and well-known benefit of enabling a user to restore data previously selected to be deleted.

As for **claim 12**, Abe in view of Sacilotto discloses a method as discussed in the rejection of claim 11. Abe in view of Sacilotto fails to disclose wherein if a cancel command is received, the extracted reference data is replaced in the reference and the portion is not deleted, as claimed.

However, Gamon, in an analogous art, trash depository (e.g., Recycle Bin **415** of Fig. 4) wherein objects selected for deletion are stored prior to permanently deleting the data from storage, wherein further, the deleting action may be cancelled (e.g., the object restored along with corresponding reference data to the portion selected for deletion) if the user subsequently decides the object selected for deletion is needed (e.g., canceling the deletion command) or the user may permanently delete the object by emptying the recycle bin (col. 7, lines 13-38). The implementation of a trash depository function is notoriously well known in operating systems and application software that provides the typical and well-known benefit of enabling a user to restore data previously selected to be deleted (i.e., to reverse a deletion action).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the deleting step of Abe in view of Sacilotto to incorporate wherein if a cancel command is received, the extracted reference data is replaced in the reference and the portion is not deleted, as taught by Gamon, for the

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benefit of enabling a user to restore data previously selected to be deleted (i.e., to reverse a deletion action).

10. **Claim 14** is rejected under 35 U.S.C. 103(a) as being unpatentable Abe, U.S. Patent No. 6,714,216 in view of Sacilotto, Jr. et al. (Sacilotto), U.S. Patent No. 6,763,523, as applied to claim 13, further in view of Chao et al. (Chao), U.S. Patent No. 5,732,184.

As for **claim 14**, although Abe discloses selecting a portion of a clip (i.e., time based stream of information) designated by a mark-in point and a mark-out point (e.g., to select a portion of the clip between the beginning and end of the clip) and deleting the selected portion (see discussion above relative to claims 11 and 13), Abe in view of Sacilotto fails to specifically disclose the reference splits into a first new reference corresponding to the information prior to the extracted data and a second new reference corresponding to the information after the extracted reference data (e.g., Abe does not specifically disclose that two separate clips result from the editing operation).

However, Chao, in an analogous art, teaches editing video clips incorporating a slicing operation wherein a clip is divided into two separate clips (col. 5, line 64 – col. 6, line 53 and Figs. **4A and 4B**). Editing a video clip to produce two separate clips inherently discloses a first new reference corresponding to information prior to the slicing point and a second new reference corresponding to information after the extracted reference data to allow for editing of the clips separately. The slicing

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operation taught by Chao provides the benefit of allowing a clip to be separated for other video clip data to be inserted between the sliced portions (see col. 6, lines 50-53).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the editing process of Abe in view of Sacilotto to incorporate the reference splits into a first new reference corresponding to the information prior to the extracted reference data and a second new reference corresponding to the information after the extracted reference data, as taught by Chao, for the benefit of allowing a clip to be separated for other video clip data to be inserted between the sliced portions in a time based stream editing system.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Noritomi (US 6,473,902) teaches method and apparatus for transmitting programs.

Garmon et al. (US 6,489,969) discloses media composition system with media consolidate.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SPH  
July 18, 2005

  
**CHRISTOPHER GRANT**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**